

**Appl. No.** : **10/530,904**  
**Filed** : **December 23, 2005**

## **REMARKS**

Claims 29 and 31 have been cancelled. Claims 1-7, 10, 12-13, 17-25, 30, and 32 have been amended. Claims 1-28, 30 and 32 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

### **Rejection under 35 U.S.C. § 112, first paragraph**

Claims 30 and 32 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which is not described in the specification in such a way so as to enable one skilled in the art to which it pertains to make and/or use the invention.

Without acquiescing to the Examiner's position, claims 30 and 32 have been amended to recite specific cancers "selected from the group consisting of lung cancer, breast cancer, melanoma cancer, glioma, colon cancer, bladder cancer, prostate cancer and pancreatic cancer". Support is found in the specification at page 37, lines 8-14.

As pointed out by the Examiner, Example 3 provides the results of *in vitro* studies on the treatment of glioma, colon, lung, and bladder cancer cell lines with compounds according to the invention.

Additionally, Example 6 provides results of *in vivo* experiments carried out in murine cancer models, showing that compound B of the invention is active against breast cancer, melanoma cancer and lung cancer.

Additional studies on prostate cancer and pancreatic cancer are presented in the attached Declaration. As can be seen by the Declaration, *in vitro* studies have been performed using prostate cancer and pancreatic cell lines as outlined in Example 3. These studies show that Compound B had anti-tumor activity against both forms of cancer.

*In vivo* studies have also been performed using highly invasive orthotopic PC-2 refractory cancer model and orthotopic Capan-2 pancreatic cancer model as shown in the 132 Declaration and attached figures 1 and 2a & b. These studies confirm the anti-tumor activity of Compound B in these two cancer models.

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The present claims are now limited to cancer types for which data has been obtained by Applicants, indicating the efficacy of the claimed compounds for those cancer types. The level of skill in the art is high and Applicants provide guidance in the form of working examples showing both in vitro (Example 3) and in vivo (Example 6) efficacy of the claimed compounds for the recited cancer types. Accordingly, Applicants respectfully submit that one skilled in the art would be able to make and use the invention without undue experimentation.

In view of Applicants' amendments and arguments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1-28, 30, and 32 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that Het<sup>1</sup> and Het<sup>2</sup> are not defined in the claims. Claims 1, 17 and 21 have been amended to incorporate the definition of Het<sup>1</sup> and Het<sup>2</sup> as found in the present specification at page 16, line 23 to page 17, line 15. Other claims reciting Het<sup>1</sup> and Het<sup>2</sup> depend from one of claims 1, 17, or 21.

The recitation of "C(O)sR" is a typographical error which has been amended to C(O)SR throughout the claims.

Claims 24 and 25 have been amended to include the structure of Formula I.

The Office Action states that claim 24 depends upon the specification to give it meaning. Applicants understand this to refer to the reference to Table A in claim 25. The present application differs from Ex parte Fressola cited by the Examiner, in that the reference here is not indefinite but refers to a specific Table of compounds. Furthermore, M.P.E.P. 2173.05(s) allows reference to a Table when there is no practical way to define the invention in words and where it is more concise to incorporate by reference as in the present case. Reconsideration is requested.

In view of Applicants' amendments and comments, reconsideration and withdrawal of all ground of rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

**CONCLUSION**

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the

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Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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